

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

GERSON MAJEUNE,

Petitioner,

V.

JOHN TSOUKARIS,

Respondent.

Civil Action No. 17-4553 (JMV)

OPINION AND ORDER

APPEARANCES:

MATTHEW SINCLAIR BOAZ
American Friends Service Committee
89 Market Street
6th Floor
Newark, NJ 07102
On behalf of Petitioner

SUSAN R. MILLENKY, Esq.
United States Attorney's Office
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On behalf of Respondent

VAZQUEZ, United States District Judge

On June 21, 2017, Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1), challenging his detention since October 27, 2016, by the U.S. Immigration and Customs Enforcement (“ICE”). (ECF No. 1, ¶2.) This Court ordered Respondent to answer the petition. (ECF No. 2.) Respondent filed his Response on August 28, 2017. (ECF No. 5.) On March 5, 2018, this Court ordered Respondent to submit supplemental briefing addressing

the United States Supreme Court’s ruling in *Jennings v. Rodriguez*, 2018 WL 1054878, 583 U.S. ____ (2018). (ECF No. 6.) On March 13, 2018, Respondent submitted a Declaration from Teresa Violano, Deportation Officer with the Immigrations and Customs and Enforcement, indicating that Petitioner was removed to Haiti on October 13, 2017. (ECF No. 7 at 2.) Respondent contends the habeas petition is moot. (ECF No. 7 at 1.)

A habeas petition “generally becomes moot when [a petitioner] is released from custody” because there is no longer “an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Vasquez v. Aviles*, 639 F. App’x 898, 902 (3d Cir. 2016) (quoting *DeFoy v. McCullough*, 393 F.3d 439, 442 (3d Cir. 2005)). The present petition no longer presents a case or controversy under Article III, § 2 of the United States Constitution because Petitioner is no longer detained by ICE. *See id.* (finding petition moot where there were no collateral consequences that could be addressed by success on the petition after removal) (citing *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007)). Therefore, the petition is dismissed as moot.

IT IS, therefore, on this 19th day of March, 2018

ORDERED that Petitioner’s Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1) is DISMISSED as moot; and it is further

ORDERED that the Clerk shall serve a copy of this Order on Petitioner at his last known address; and it is further

ORDERED that the Clerk shall close this matter.

s/ John Michael Vazquez
JOHN MICHAEL VAZQUEZ
United States District Judge